

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-26 are pending in the application, with 1, 8, 10, and 26 being the independent claims.

Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Information Disclosure Statement

Applicant filed a First Supplemental Information Disclosure Statement (IDS) on September 2, 2004. The Examiner is asked to consider and acknowledge the references on the 1449, and return a signed and dated copy to the Applicant.

Provisional Nonstatutory Double Patenting Rejection

The Examiner has provisionally rejected claims 1-26 under the judicially created doctrine of obviousness-type double patenting for allegedly being unpatentable over claims 1-28 of co-pending Application No. 09/339,506.

Pursuant to M.P.E.P. Section 804(I)(B), since co-pending Application No. 09/339,506 has not been allowed, the Examiner should maintain the double patenting rejection in this instant application as a 'provisional' double patenting rejection, which can be converted into a double patenting rejection when the co-pending Application No. 09/339,506 issues as a patent. Applicant will appropriately address the provisional double patenting rejection in the event it is converted to an actual double patenting rejection pursuant to M.P.E.P. Section 804(I)(B) after co-pending Application No. 09/339,506 issues as a patent.

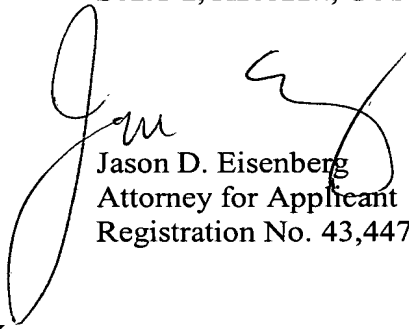
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Jason D. Eisenberg
Attorney for Applicant
Registration No. 43,447

Date: 10/27/04
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
SKGF_DC1: 327779.1